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Tfw

Dkt. 0980/66019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Haiqing WEI, et al.

Serial No.: 09/971,831


Group Art Unit: 2633

Date Filed: October 4, 2001

Examiner: Payne, David C.

For: GENERATION OF OPTICAL SIGNALS WITH RETURN-TO-ZERO FORMAT

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Paul Teng  
Reg. No. 40,837

May 5, 2005  
Date

1185 Avenue of the Americas  
New York, N.Y. 10036  
(212) 278-0400

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION  
UNDER 37 C.F.R. §1.137(b)**

This Petition is submitted to revive the above-identified application under 37 C.F.R. §1.137(b).

An Office Action dated August 24, 2004 was issued by the United States Patent and Trademark Office (PTO) in connection with this application. A response to the August 24, 2004 Office Action was originally due November 24, 2004.

A response to the August 24, 2004 Office Action, through an inadvertent error, was not filed by the November 24, 2004 due date, and thereby the application unintentionally became abandoned.

A Notice Of Abandonment dated April 20, 2005 was mailed by the PTO in connection

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with this application. A copy of the April 20, 2005 Notice Of Abandonment is attached hereto as Exhibit A.

Since this Petition under 37 C.F.R. §1.137(b) is being submitted within two months of the April 20, 2005 Notice Of Abandonment, the Petition is being timely filed.

Requirements of Petition to Revive

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless it has been previously filed;
- (2) the petition fee set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in §120(d)) required pursuant to 37 C.F.R. §1.137 (c) for a utility application filed before June 8, 1995.

This Petition is being submitted concurrently with a Reply in response to the August 24, 2004 Office Action. Accordingly, it is believed that the required reply is being submitted herewith.

The fee for a Petition under 37 C.F.R. §1.137(b) as set forth in 37 C.F.R. §1.17(m) is \$750.00 for a small entity and authorization is hereby given to charge the amount of this small entity Petition fee to Deposit Account No. 03-3125.

The entire delay in filing the required reply, i.e. response to the August 24, 2004 Office Action, until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b), was unintentional.

Because this application was filed after June 8, 1995, 37 C.F.R. §1.137(c) does not

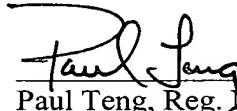
require any terminal disclaimer to be filed.

In view of the foregoing, Applicant earnestly solicits an expeditious revival of the subject application.

If a telephone interview would be of assistance in resolving any issue in connection with this Petition, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

If any additional fee is required in connection with the filing of this Petition, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

  
\_\_\_\_\_  
Paul Teng, Reg. No. 40,837  
Attorney for Applicant  
Cooper & Dunham LLP  
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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,831	10/04/2001	Haiqing Wei	0980/66019	4311

EXAMINER

PAYNE, DAVID C

ART UNIT PAPER NUMBER

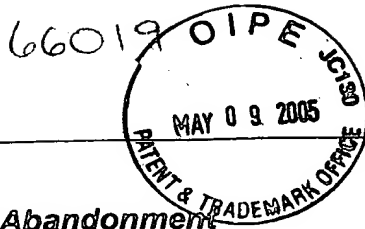
2633

DATE MAILED: 04/20/2005

Ivan S. Kavrukov  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036



Please find below and/or attached an Office communication concerning this application or proceeding.



ISK

# Notice of Abandonment

Application No.

09/971,831

Examiner

David C. Payne

Applicant(s)

WEI ET AL.

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

Petition to Revive: 6/20/05 dx

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 August 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
APR 25 2005
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

*M. R. Sedighian*  
M. R. SEDIGHIAN  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.